



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

Maria M. Oms
Auditor-Controller
John F. Krattli
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

June 5, 2006

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Sonia Escobar, Israel Portillo v. County of Los Angeles
Los Angeles Superior Court Case No. SC 085 338

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$210,000, plus assumption of the Medi-Cal Lien not to exceed \$8,874.14.
2. The Auditor-Controller be directed to draw warrants to implement this settlement from the Department of Health Services.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report is being transmitted to you under separate cover by the Department of Health Services.

Return the executed, adopted copy to Georgene Salisbury, Suite 648
Kenneth Hahn Hall of Administration, Extension 4-1803.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Maria Oms".

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO:gs

Enclosure

MEMORANDUM

March 30, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: JACK SCHULER, ESQ.
Schuler & Brown

NARBEH BAGDASARIAN
Senior Associate County Counsel,
Health Services Division

RE: Sonia Escobar, Israel Portillo v. County of Los Angeles, et al.
Los Angeles County Superior Court, Case No. SC 085338

DATE OF
INCIDENT: April 16, 2004

AUTHORITY \$210,000.00, Plus Assumption of the Medi-Cal Lien Not to Exceed
REQUESTED: \$8,874.14


COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

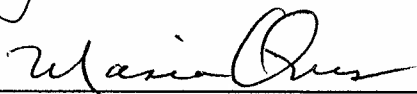
☐ Approve

☐ Disapprove

☒ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on June 5, 2006

SUMMARY

This is a recommendation to settle for \$210,000.00, the wrongful death/medical negligence lawsuit brought by the parents of Henry Portillo, who died as a result of the injuries he sustained while hospitalized at Harbor-UCLA Medical Center. The State, having paid \$8,874.14 for the provision of Medi-Cal care, has a claim for reimbursement, which will be settled by the County.

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

In April 2004, Henry Portillo, a 9-year-old boy, was diagnosed with leukemia (a type of a blood cancer). On April 13, 2004, Henry Portillo was transferred to Harbor-UCLA Medical Center for evaluation and treatment of his condition.

The patient was placed on a chemotherapy regimen (where potent anti-cancer medications are administered) to start on April 16, 2004. Several medications, including Thioguanine (a chemotherapy agent), were ordered, but due to the shortage of Thioguanine, that order was replaced with 6 Mercaptopurine (another chemotherapy agent). 6 Mercaptopurine is a potent medication and was intended to be prescribed for only four days per cycle.

Henry Portillo, however, received 6 Mercaptopurine for the entire cycle until April 23, 2004. On that day, another chemotherapy cycle was started which also contained 6 Mercaptopurine. The patient continued to receive 6 Mercaptopurine until May 13, 2004.

The patient's condition deteriorated, and he was transferred to the Intensive Care Unit where he began to show signs of liver failure.

Henry Portillo was then transferred to UCLA Medical Center for a higher level of treatment, including a possible liver transplant. The patient's condition further deteriorated, and on May 20, 2004, with the consent of his family, artificial life support was terminated.

An autopsy was performed which indicated that Henry Portillo's death was caused by advanced liver failure primarily as a result of Mercaptopurine toxicity for weeks.

DAMAGES

If this matter proceeds to trial, the plaintiffs will likely seek the following:

Pain and Suffering (MICRA Limit)	\$ 250,000.00
Medi-Cal Lien	\$ 8,874.14
Funeral Expenses	\$ 12,000.00
Attorney Fees and Costs	\$ 70,000.00
CCP 998 Damages	\$ <u>25,000.00</u>
TOTAL	\$ 365,874.14

The proposed settlement includes:

Pain and Suffering	\$ 142,083.33
Medi-Cal Lien	\$ 8,874.14
Attorneys Fees (MICRA Estimate)	\$ 62,916.67
Costs of Litigation	\$ <u>5,000.00</u>
TOTAL	\$ 218,874.14

STATUS OF CASE

This wrongful death lawsuit was brought by Henry Portillo's parents. The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through November 30, 2005, are attorneys fees of \$27,150.91 and \$6,350.97 in costs.

The total cost to the County of Los Angeles, as a result of this settlement is as follows:

Indemnity (Settlement Amount)	\$ 210,000.00
County Attorneys Fees and Costs	\$ 33,501.88
Medi-Cal Lien	\$ <u>8,874.14</u>
TOTAL	\$ 252,376.02

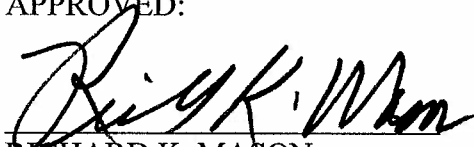
EVALUATION

Medical experts will be critical of the failure to notice that the patient was receiving excessive amount of 6 Mercaptopurine. This failure fell below the standard of care, and is directly responsible for Henry Portillo's liver failure which led to his death.

We join with our private counsel, Jack Schuler, Esq., and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$210,000.00, and payment of the Medi-Cal lien in the amount of \$8,874.14.

The Department of Health Services concurs in this settlement.

APPROVED:

A handwritten signature in black ink, appearing to read "Richard K. Mason", is written over a horizontal line.

RICHARD K. MASON
Assistant County Counsel

NB:bdv

Attachment